

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6186

BILL NUMBER: HB 1036

NOTE PREPARED: Nov 14, 2002

BILL AMENDED:

SUBJECT: Civil Immunity for Volunteers.

FIRST AUTHOR: Rep. Frizzell

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill grants immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. The bill limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

Effective Date: July 1, 2003.

Explanation of State Expenditures: This bill could potentially decrease the number of lawsuits filed because it confers civil immunity on persons who volunteer for a non-profit organization or corporation, a hospital, or a governmental entity. This immunity is granted only for cases in which the damage caused was not due to willful or wanton misconduct, and the volunteer was acting in good faith and within the scope of their duties as a volunteer. While the bill does not offer immunity to volunteer operating a motor vehicle, it does limit the liability of the volunteer to the limits on the applicable insurance maintained on the volunteer's behalf.

The specific fiscal impact of this bill is indeterminable; however, the state could experience a cost savings if there are fewer cases filed against the state for civil damages for injuries caused by volunteers.

Explanation of State Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees deposited in the state General Fund.

Explanation of Local Expenditures: The fiscal impact is indeterminable. Any cost savings to local political

units would depend on the number of lawsuits that would have been filed against the local unit for civil damages caused by volunteers.

Explanation of Local Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees deposited in county general funds.

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Counties; cities and towns; court clerks.

Information Sources: Jennifer Thuma, Legislative Counsel, Attorney General's Office, 233-6143.

Fiscal Analyst: John Parkey, 317-232-9854